IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.1457 OF 2005
(FOR CONDONATION OF DELAY)
IN
CRIMINAL APPEAL NO.208 OF 2005
(AGAINST CONVICTION)

Shri Kamlu Haushiram Gawanda ..Applicant

Versus

The State of Maharashtra ..Respondent

Mr.Z.M.Avhad for the applicant.

Mrs.U.V.Kejriwal, Addl.Public Prosecutor for the Respondent/State.

Coram : R.M.LODHA &
R.S.MOHITE,JJ

Date : 11.03.2005.

PC

. The applicant has preferred Appeal challenging the legality and correctness of the Judgment dated 30.11.2004 passed by the 2nd Additional Sessions Judge, Nashik convicting him for the offences punishable under Sections 302 & 323 of IPC. Appeal suffers from delay of 30 days. By this application the applicant prays for condonation of delay.

2. It is not in dispute that pursuant to the conviction the applicant is under-going sentence at Central Prison, Nashik road, Nashik. In the circumstances, for the reasons stated in paragraph-4 of the application, we are satisfied that he was prevented by sufficient cause in filing the Criminal appeal in time.

3. The learned Additional Public Prosecutor has also no objection to the prayer for condonation of delay.

4. Criminal application is accordingly granted. Delay in filing the Criminal Appeal No.208 of 2005 is condoned.

5. Criminal appeal stands disposed of.

(R.M.LODHA,J)

(R.S.MOHITE,J)

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. By the order passed by us today separately on Criminal Application No.1457 of 2005, we have condoned the delay in filing the Criminal appeal.

2. Appeal is admitted.

3. Call for Record & proceedings.

(R.M.LODHA,J)

(R.S.MOHITE,J)